

REMARKS

Claims 1 - 24 remain in this application. Claims 1, 3, 5 - 7, 9, 11, 13, 15 - 17, and 21 - 24 are withdrawn from consideration. Claim 2 has been amended. Reconsideration of this application in view of the amendments noted is respectfully requested.

Claim 2 has been amended to add the limitation that the diffuser bag non-perforated side is supported on an occupant facing surface of the occupant support. Support for this limitation is found on page 4, lines 13 - 16 of the specification and in FIG. 1.

Claims 2, 4, 8, 10, 12, 14, and 19 were rejected under Section 102(b) as being anticipated by Ekman et al. (U.S. Patent No. 5,927,817, hereinafter "Ekman"). Applicant respectfully traverses this rejection. Ekman discloses a ventilated vehicle seat assembly including a seat back foam cushion and a lower seat foam cushion (generally forming the seat itself) having air channels therethrough and a heating pad placed on a front/top surface of the foam cushions. Fan assemblies are in fluid communication with the air channels and are positioned behind/underneath the foam cushions respectively. The foam cushions respectively have rear and bottom flow channels in communication with the air channels and the fan assemblies. A porous cushion material may be disposed in the rear and bottom flow channels.

The foam cushions of Ekman are not diffuser bags as in the present invention. The foam cushions of Ekman are the seat foam buns that generally define the shape of the seat. They are equivalent to the foam cushions/foam buns 44 in the present application. The diffuser bag of the present invention is mountable on an outer surface of the foam cushion and is not part of the foam cushion. Further, in the present invention, there are no through hole air channels or rear/bottom flow channels in the foam bun. The ventilation diffuser bag itself includes perforations in a side surface thereof, while the foam bun does not have through holes.

Further, the foam cushions of Ekman do not have a non-perforated side opposite a perforated side. The air channels in the foam cushions of Ekman extend from a top/front

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surface of the cushions to a bottom/back surface; they are through holes. The porous cushion member in the bottom/rear flow channels of the cushion member is covered with a nonporous sheet to prevent airflow therethrough, but the foam cushions themselves do not have a non-perforated side. In contrast, the ventilation diffuser bag of the present invention includes a side surface having perforations therein and an opposite non-perforated side.

Moreover, in the present invention, the air mover is connected to the diffuser bag air inlet and moves air through the diffuser bag, whereas in Ekman, the fan assemblies move air through the cushions/foam buns. In the present invention, no air passes through the foam buns because the air mover is not in fluid communication with the foam buns.

For these reasons, claim 2 of the present application is patentable over Ekman. Claims 4, 8, 10, 12, 14, and 19, depending from claim 1, are therefore also allowable.

Applicant submits that claims 2, 4, 8, 10, 12, 14, and 19 are patentable over Ekman and respectfully requests that the Section 102(b) rejection of these claims over Ekman be withdrawn.

Claim 18 was rejected under Section 103(a) as being unpatentable over Ekman in view of Law (U.S. Patent No. 5,411,318). Applicant respectfully traverses this rejection. To begin, applicant incorporates by reference the arguments made with respect to Ekman above. Based upon those arguments, claim 2 is allowable. Claim 18, depending directly from claim 2, is therefore also allowable.

Furthermore, the combination of Ekman and Law does not result in the present invention. Law teaches mounting a ventilation assembly to the outside of a seat on top of the seat cover (e.g., leather or fabric). In Ekman, the ventilation assembly is inside of the seat cover (12) and is essentially integral with the seat cushion itself. Hence, the Ekman ventilation system is not mounted to the seat cushion; it is part of the seat cushion. In contrast, the present invention is a modular comfort assembly that is mountable on an outer surface of the foam bun of the seat, and a seat cover may then be disposed over the foam

bun and mounted comfort assembly. Combining the mounting means of Law with Ekman does not result in this structure.

For these reasons, applicant submits that claim 18 is patentable over Ekman in view of Law. Therefore, applicant respectfully requests that the Section 103(a) rejection of claim 18 over Ekman in view of Law be withdrawn.

Claim 20 was rejected under Section 103(a) as being unpatentable over Ekman in view of Ligeras (U.S. Patent No. 5,516,189). Applicant respectfully traverses this rejection. To begin, applicant incorporates by reference the arguments made with respect to Ekman above. Based upon those arguments, claim 2 is allowable. Claim 20, depending directly from claim 2, is therefore also allowable.

Furthermore, in claim 20 of the present invention, each component of the modular comfort assembly may include a separate controller. Specifically, the ventilation diffuser bag and the heating element may each have a separate controller. Hence, different components with different functions may be controlled by separate controllers. Ligeras discloses a portable heated seat having both a back portion and a lower portion wherein a heating element in the back portion is controlled separately from a heating element in the lower portion. Ligeras, however, does not teach or suggest using separate controllers for components that perform separate, distinct functions as in the present invention. Each heating element in Ligeras is essentially identical aside from where they are disposed in the seat, whereas the diffuser bag and heating element of the present invention have different functions and purposes.

For these reasons, applicant submits that claim 20 is patentable over Ekman in view of Ligeras. Therefore, applicant respectfully requests that the Section 103(a) rejection of claim 20 over Ekman in view of Ligeras be withdrawn.

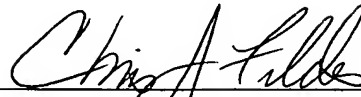
This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to present the claims in condition for allowance. Favorable action is requested.

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Respectfully submitted,

Michael J. Bevan et al.

Fildes & Outland, P.C.

A handwritten signature in cursive script, appearing to read "Chris J. Fildes", is written over a horizontal line.

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